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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Afghanistan, Bangladesh, Brunei Darussalam, Comoros, Cuba, Indonesia, Madagascar, Malaysia, Pakistan and Zambia: draft resolution

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the principles and provisions of the Universal Declaration of Human Rights, 1/

Aware of the uprising (intifadah) of the Palestinian people since 9 December 1987 against Israeli occupation, which has received significant attention and sympathy from world public opinion,

Deeply concerned about the alarming situation in the Palestinian territory occupied since 1967, including Jerusalem, as well as in the other occupied Arab territories, as a result of their continued occupation by Israel, the occupying Power, and of its persistent policies against the Palestinian people,

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1/ Resolution 217 A (III).

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ as well as of other relevant conventions and regulations,

Taking into account the need to consider measures for the impartial protection of the Palestinian people under Israeli occupation,

Recalling the relevant resolutions of the Security Council,

Recalling specifically Security Council resolution 681 (1990) of 20 December 1990, in paragraph 6 of which the Council requested "the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further the idea, expressed in his report, of convening a meeting of the High Contracting Parties to the said Convention to discuss possible measures that might be taken by them under the Convention and, for this purpose, to invite the Parties to submit their views on how the idea could contribute to the goals of the Convention, as well as on other relevant matters, and to report thereon to the Council",

Recalling also all its resolutions on the subject, the last of which was resolution 46/47 A of 9 December 1991,

Recalling further the relevant resolutions adopted by the Commission on Human Rights, including its resolutions 1992/1, 1992/2 A and B, 1992/3 and 1992/4 of 14 February 1992 and 1992/70 of 4 March 1992, 3/

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 4/ which contain, inter alia, self-incriminating public statements made by officials of Israel, the occupying Power,

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2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ A/47/76, A/47/262 and A/47/509.

Having also considered the reports of the Secretary-General of 21 January 1988, 5/ 31 October 1990, 6/ 9 April 1991 7/ and 23 October 1992, 8/

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied Palestinian territory, including Jerusalem and other Arab territories occupied by Israel since 1967, and demands that Israel allow the Special Committee access to those territories;

3. Reaffirms the fact that occupation itself constitutes a grave violation of the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Condemns the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 2/ and other applicable international instruments, and condemns in particular those violations which the Convention designates as "grave breaches" thereof;

5. Reaffirms, in accordance with the Convention, that the Israeli military occupation of the Palestinian territory, including Jerusalem, and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories;

6. Condemns, in particular, the Israeli policies and practices of collective punishment, destruction and demolition of houses, use of undercover units as death squads and ill-treatment and torture of prisoners;

7. Strongly condemns the imposition of the Israeli laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory;

5/ S/19443; see Official Records of the Security Council, Forty-third Year, Supplement for January, February and March 1988, document S/19443.

6/ S/21919 and Corr.1; see Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990, document S/21919.

7/ S/22472; see Official Records of the Security Council, Forty-sixth Year, Supplement for April, May and June 1991, document S/22472.

8/ A/47/545.

8. Condemns the Israeli repression against and closing of the educational institutions in the occupied Syrian Golan, particularly prohibiting Syrian textbooks and the Syrian educational system, preventing Syrian students from pursuing their higher education in Syrian universities, denying the right of return to Syrian students receiving their higher education in the Syrian Arab Republic, forcing Hebrew on Syrian students, imposing courses that promote hatred, prejudice and religious intolerance and dismissing teachers, all in clear violation of the Convention; 2/

9. Strongly condemns the arming of Israeli settlers in the occupied territories to perpetrate and commit acts of violence against Palestinians and other Arabs, causing deaths and injuries;

10. Urges the Security Council to consider the current situation in the Palestinian territory occupied by Israel since 1967, taking into account the recommendations contained in the reports of the Secretary-General, with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel, the occupying Power, from the occupied Palestinian territory;

11. Reaffirms that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Convention and of the relevant resolutions of the United Nations;

12. Calls upon Israel, the occupying Power, to allow the reopening of the Roman Catholic Medical Facility Hospice at Jerusalem in order to continue to provide needed health and medical services to the Palestinians in the city;

13. Also calls upon Israel, the occupying Power, to take immediate steps for the return of all displaced Arab and Palestinian inhabitants to their homes or former places of residence in the territories occupied by Israel since 1967, in implementation of Security Council resolution 237 (1967) of 14 June 1967;

14. Urges international organizations, including the specialized agencies, in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to examine the educational and health conditions in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

15. Reiterates its call upon all States, in particular those States parties to the Convention, in accordance with article 1 thereof, and upon international organizations, including the specialized agencies, not to recognize any changes carried out by Israel, the occupying Power, in the occupied territories and to avoid actions, including those in the field of aid, that might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

16. Requests the Special Committee, pending early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

17. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the present situation in the occupied Palestinian territory;

18. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

19. Condemns Israel's refusal to permit persons from the occupied Palestinian territory to appear as witnesses before the Special Committee and to participate in conferences and meetings held outside the occupied Palestinian territory;

20. Demands that Israel, the occupying Power, return immediately all documents and papers that were taken away from the Sharia Islamic Court in occupied Jerusalem, to the officials of the said Court;

21. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly and periodically the reports mentioned in paragraph 17 above to Member States;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its forty-eighth session on the tasks entrusted to him in the present resolution;

22. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".